

Memorandum of Understanding

Third Judicial Circuit Juvenile Citation Operation Procedures

I. Purpose

This Memorandum of Understanding establishes a juvenile citation procedure in the Third Judicial Circuit to allow the issuance of juvenile citations throughout the circuit and provide juveniles, being accused of certain misdemeanor offense(s), the opportunity to participate in the Third Judicial Circuit Juvenile Citation Program.

This Memorandum of Understanding also establishes protocol for juveniles to receive consequences for the delinquent act and treatment for their specific needs to prevent future delinquent acts. It also outlines how certain misdemeanor offense(s), handled through the Third Judicial Circuit Juvenile Citation Program, will be tracked without the offense(s) becoming part of the juvenile's delinquency record.

This Memorandum of Understanding is entered into between the Third Judicial Circuit Chief Judge, the Third Judicial Circuit State Attorney's Office, the Third Judicial Circuit Public Defender's Office, the Third Judicial Circuit Department of Juvenile Justice, the Suwannee County Sheriff's Office, the Live Oak Police Department, the Hamilton County Sheriff's Office, the Jasper Police Department, the White Springs Police Department, the Jennings Police Department, the Columbia County Sheriff's Department, the Lake City Police Department, the Lafayette County Sheriff's Department, the Madison County Sheriff's Office, the Madison Police Department, the Taylor County Sheriff's Office, the Perry Police Department, the Dixie County Sheriff's Office, and the Cross City Police Department as of the date set forth below.

II. Background

The signatories agree to the terms of the Memorandum of Understanding in order to comply with Florida Statute 985.12, Civil Citations, which encourages the implementation of the juvenile civil citation or **other similar program** for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice for juveniles who commit non-serious misdemeanor acts and to ensure swift and appropriate consequences.

III. Factors to Consider for Juvenile Citation

Qualifying factors include:

- Current charge is a misdemeanor offense for the juvenile
- Juvenile admits guilt

- Victim(s) is consulted as to the citation program
- Juvenile has no pending cases
- Juvenile is not currently under supervision with the Department of Juvenile Justice

Disqualifying factors include:

- Current Citation
- Prior Delinquency Record
- Current Delinquency Record
- Prior Felony Charges
- Any outstanding warrant/custody order

The following offenses are ineligible for Juvenile Citation:

- A misdemeanor involving any firearm charge
- A misdemeanor that involves exposure of sexual organs or other sexually related behavior.
- A misdemeanor that is directly related to, or part of a gang activity
- Any traffic related offenses
- Any offense involving synthetics drugs (K-2, bath salts, etc.)
- Any offense involving distribution of drugs
- Animal Cruelty

IV. Juvenile Citation Process

Officers:

- If the officer believes the case should be referred for a Juvenile Citation, he/she will complete a Juvenile Citation Referral Form, attach the referral form to the Offense Packet (Offense Report with narrative, witness statements, etc.), and forward both to the State Attorney's Office for review - **the Offense Report MUST contain a valid mailing address, physical address and phone number(s) for the juvenile, parent/guardian and victim(s).**

State Attorney's Office:

- Conduct an initial review of the Juvenile Citation Referral Form along with the attached Offense Packet to determine whether the juvenile qualifies for the Juvenile Citation Program
- Contact the victim(s) as to the case being referred to the Juvenile Citation Program
- If the juvenile qualifies and the State Attorney's Office approves the recommendation, the Offense Packet along with a sanction list will be forwarded to the Department of Juvenile Justice
- Upon successful completion of the Juvenile Citation Program, the case will be closed with no further action
- Upon the juvenile's non-compliance with the Juvenile Citation Program or a new arrest while participating in the Juvenile Citation Program, a petition for the original misdemeanor charge(s) will be filed

Department of Juvenile Justice:

- Input Juvenile Citation data into the Juvenile Justice Information System Prevention Web
- Meet with the juvenile and parent/guardian to review and sign the paperwork for the Juvenile Citation Program if the juvenile and parent/guardian agree to participate in the Juvenile Citation Program
- Refer juvenile and/or family to counseling, drug treatment, community service, or other intervention services/sanctions as outlined by the State Attorney in the sanction list
- Monitor the juvenile's progress and make the appropriate disposition based on the completion of or non-compliance with the Juvenile Citation Program
- Provide the State Attorney's Office with **bi-weekly** updates as to each juvenile's progress in the Juvenile Citation Program.
- Upon a juvenile's successful completion of the Juvenile Citation Program, forward notification of such to the State Attorney's Office and document said completion in the Juvenile Justice Information System Prevention Web

- Upon a juvenile's non-compliance with the Juvenile Citation Program or refusal to participate, refer the case back to the State Attorney's Office for the filing of a petition and document said non-compliance or refusal to participate in the Juvenile Justice Information System

V. Goals of the Third Judicial Circuit Juvenile Citation Program

- Encourage the use of the Juvenile Citation Program as a viable alternative to arrest for qualifying juveniles

- Emphasize the importance of juvenile citations as a way of addressing the disproportionate representation of minority and disadvantaged juveniles in the juvenile justice system

- Update standard operating procedures to reflect the process used to initiate juvenile citations

Signatures

In witness whereof, the undersigned parties have hereto executed this Memorandum of Understanding, and have agreed to implement the use of juvenile citations for misdemeanor juvenile offenders in the Third Judicial Circuit. This Memorandum of Understanding shall continue in full force and effect unless and until a signatory or their successor in office shall give written notice to the others or their successors in the office of the signatory's or successor in office's intent to no longer participate in this Memorandum of Understanding.

Dated this _____ day of _____, 2014

Gregory Parker

Chief Judge, Third Judicial Circuit

Jeff Siegmeister

State Attorney, Third Judicial Circuit

Blair Payne
Public Defender, Third Judicial Circuit

Tom Witt
Department of Juvenile Justice

Tony Cameron
Sheriff, Suwannee County

Buddy Williams
Chief, Live Oak Police Department

J. Harrell Reid
Sheriff, Hamilton County

Jeff McGuire
Chief, Jasper Police Department

Tracy Rodriquez
Chief, White Springs Police Department

Faron Gantos
Chief, Jennings Police Department

Mark Hunter
Sheriff, Columbia County

Argatha Gilmore
Chief, Lake City Police Department

Brian Lamb

Sheriff, Lafayette County

Benjamin Stewart

Sheriff, Madison County

Gary Calhoun

Chief, Madison Police Department

L.E. "Bummy" Williams

Sheriff, Taylor County

Vern Clark

Chief, Perry Police Department

Dewey H. Hatcher, Sr.

Sheriff, Dixie County

Wesley Jones

Chief, Cross City Police Department

THIRD JUDICIAL CIRCUIT JUVENILE CITATION PROGRAM

REFERRAL FORM

I, Officer/Deputy _____ would like _____ (Defendant) to be considered for the Third Judicial Circuit Juvenile Citation Program. He/She has committed a misdemeanor offense that I believe would qualify for the Juvenile Citation Program. I have attached an Offense Report along with a Witness List concerning this case. I understand that the Third Judicial Circuit State Attorney's Office will make the final determination as to whether a citation is issued in this case, and that further information may be requested from me.

Defendant Information:

Name: _____ Date of Birth: _____

Parent/Guardian: _____

Address (Physical and Mailing): _____

Phone #: _____

Victim Information:

Name: _____ Date of Birth: _____

Address (Physical and Mailing): _____

Phone #(s): _____ Email: _____

Officer/Deputy Signature

Date

THIRD JUDICIAL CIRCUIT JUVENILE CITATION PROGRAM

Name: _____

Date of Birth: _____

Charge: _____

SANCTIONS:

_____ Community Service Work Hours _____ within _____ months

_____ Letter of Apology to the Victim _____ within _____ days

_____ Curfew of _____ pm

_____ Anti-Theft Packet

_____ Stay off the victim's property

_____ No contact with victim/co-defendants

_____ Anger Management Counseling

_____ Family Counseling

_____ Substance Abuse Counseling

_____ Random Urinalysis

_____ Write a _____ Word Essay on _____ within _____ months

_____ Attend School with no referrals

_____ Obey Parent/Guardian

_____ Restitution \$ _____ to _____
within _____ months

_____ Other _____

Citation term _____ months.